

A Bill for an Act Relating to Motor Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 286-104, Hawaii Revised Statutes, is amended to read as follows:

“§286-104 What persons shall not be licensed. The examiner of drivers shall not issue any license hereunder:

- (1) To any person whose license has been suspended by a court of competent jurisdiction during the suspension period; nor to any person whose license has been revoked until the expiration of one year after the date of the revocation, or until the expiration of the period of revocation specified by law, whichever is greater; nor to any person who, while unlicensed, has within two years been convicted of driving [while drunk;] under the influence of alcohol or drugs;
- (2) To any person who is required by this part to take an examination, unless such person has successfully passed the examination;
- (3) To any person who is required under the motor vehicle financial responsibility laws of this State to deposit proof of financial responsibility and who has not deposited such proof;
- (4) To any person when the examiner of drivers has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; or
- (5) To any person who is under seventeen years of age; provided that a person who is fifteen or sixteen years of age may be granted a special license upon satisfying the requirements of sections 286-108 and 286-109, which license may be suspended or revoked by a judge having jurisdiction over the holder of the special license. Upon revocation of the special license, the person shall not be eligible to operate a motor vehicle on the highway until the person is seventeen years of age and has again satisfied the requirements of sections 286-108 and 286-109.

Any person denied a license under this or any other section of this part shall have a right of appeal as hereinafter provided.”

SECTION 2. Section 286-137, Hawaii Revised Statutes, is amended to read as follows:

“§286-137 District [judges] courts to keep records. The district [judges] court of each [county] circuit shall keep, maintain, and control or shall otherwise provide for the keeping, maintaining, and controlling of proper and accurate records of each conviction or bail forfeiture or any other disposition of each violation of licensee coming within this part. The district [judges] court of each [county] circuit shall also establish procedures for the accounting, control, and disposition of each [and every] traffic citation, notice, or summons used or issued, whether the use or issuance of the same is authorized by the court or by any other governmental agency under applicable laws or ordinances, which may include the keeping of an accurate citation, notice, or summons control ledger or form in a numerical, chronological, or other accountable manner.”

SECTION 3. Section 286-138, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) No nolle prosequi shall be entered in any case involving a violation of the traffic laws or ordinances of the State or of the several counties and no case or any charge arising therefrom shall be stricken, amended, or reduced, except by consent of the court upon [written] motion of the prosecuting attorney stating the reasons therefor. The court may deny the motion if it deems the reasons insufficient.”

SECTION 4. Section 286G-2, Hawaii Revised Statutes, is amended to read as follows:

“**§286G-2 Driver education and training fund.** There is established in the state treasury a special fund to be known as the driver education and training fund. All [fines] driver education assessments collected pursuant to this chapter shall be deposited in the driver education and training fund to be expended by the administrative director of the courts for driver education and training programs administered by the judiciary, subject to part III of chapter 37 to the extent that the same applies to appropriations for the judiciary.”

SECTION 5. Section 286G-3, Hawaii Revised Statutes, is amended to read as follows:

“**§286G-3 [Fines.] Driver education assessments.** (a) A [fine] driver education assessment of \$7 shall be levied on a finding that a violation of a statute or county ordinance relating to vehicles or their drivers or owners occurred, except for:

- (1) Offenses relating to stopping (when prohibited), standing, or parking;
- (2) Offenses relating to registration; and
- (3) Offenses by pedestrians.

In addition, a [fine] driver education assessment of \$100 shall be levied on persons convicted under section 291-4 to defray costs of services provided by the driver education and training program.

(b) The [fines] driver education assessments levied by subsection (a) shall be paid for each violation in addition to any fine imposed by the court, and regardless of whether a fine is suspended; provided that the [fine] driver education assessment of \$100 levied on a person convicted under section 291-4 may be waived by the court if the court determines that the person is unable to pay the [fine.] driver education assessment.

(c) The amount of each [fine] driver education assessment levied by subsection (a) shall be transmitted by the clerk of the court for deposit in the driver education and training fund.”

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 16, 1997.)